IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

Bail Appl..No. 3848 of 2007()

CMP.2259/2007 of J.M.F.C., SASTHAMCOTTA
CRIME NO.168/2007 OF SOORANADU POLICE STATION

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PETITIONER: ACCUSED

FIROS KHAN.S., S/O.SHAMSUDEEN KP.,
CHAMAVILA VADAKKETHIL VEEDU,
KAMPALADY, PORUVAZHY P.O.,
KOLLAM DISTRICT.

BY ADV. SRI.R.SURAJ KUMAR

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.3948 of 2007

Dated this the 29th day of June, 2007

ORDER

Application for regular bail. Petitioners are the accused 2 to 5 in a crime registered, inter alia under Section 398 IPC. The crux of the allegations against the petitioner is that the petitioners along with some others chased and attacked the defacto complainant who was proceeded on a motor cycle carrying a larger amount of cash with him. It is the case of the prosecution that the petitioners along with some other co-accused are operating clandestinely against the Hawala operators who carry money in vehicles. Assuming that the defacto complainant is one such person, he was attacked, though he was not one in that group. Crime was registered. Investigation is in progress. In the meantime, some other accused were arrested. The complicity of the petitioners was refuted. Later the petitioners were arrested in suspicious circumstances by the C.I.of Police, North Paravur on 21.05.07. The petitioners are included in Crime No.244/07 of Manjeri Police Station and transferred the case to the Judicial First Class Magistrate Court, Manjeri. He was remanded till 3.6.2007.

2. The learned counsel for the petitioner prays that the petitioners who have remanded in custody from 21.5.07, may now be

enlarged on bail. The learned Public Prosecutor vehemently opposes the said prayer. The investigation is not complete and the entire fact is not clear yet. It is apprehended that the petitioners have interaction with many other identical crimes committed in the Malappuram District. Petitioners may not be enlarged on bail at this early stage of investigation. Police must be given sufficient time in a case like the instant one. I shall scrupulously avoid any such expression of opinion on merits about the acceptability of the allegations and credibility of the data collected. Suffice it to say, I find merit in the opposition of the learned Public Prosecutor. I agree that it is too early to consider the question of release of the petitioners on bail.

5. In these circumstances, this application is dismissed. However, I may hasten to observe that the petitioners shall be at liberty to move this Court for bail again at a later stage of investigation- not, at any rate, prior to 11.7.07. The Investigators shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

sj